



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23953 of 2014

MOHAN SELVARAJ

... PETITIONER / ACCUSED RANK NO.3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.

CR. NO. 237/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

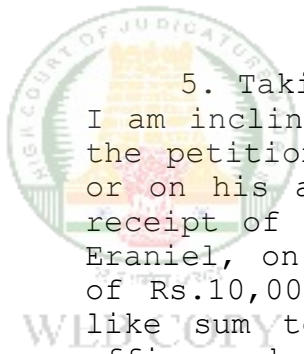
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 409 IPC in Crime No.237 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a theft of gold ornaments from the temple on 27.02.2014, in respect of which, a complaint was lodged only on 13.04.2014, based on which, this case has been registered by the respondent police. It is the case of the prosecution that after registering the First Information Report, the police arrested one Raja on 19.04.2014 and in his confession statement, Raja has stated that he had given a part of the ornaments to this petitioner.

3. The learned counsel for the petitioner submitted that the *defacto* complainant in this case and the petitioner herein have a previous motive, inasmuch as this petitioner is a prosecution witness in a criminal case that is pending against the *defacto* complainant in Crime No.591 of 2005. The learned counsel for the petitioner also produced before me a copy of the accident register, from which, it is seen that the said Raja was admitted in the hospital on 24.03.2014 for consuming poison in his house and attempting to commit suicide. The learned counsel further submitted that thereafter, the *defacto* complainant has set up the said Raja to give a confession to the police that a part of the ornaments was handed over to the petitioner herein, so that, the petitioner could be implicated in this case.

4. It is seen that Raja was admitted in the hospital on 24.03.2014 and the First Information Report was registered only on 13.04.2014. The petitioner has also moved this Court with a petition in Crl.O.P.(MD) No.18247 of 2014 for transferring the investigation of this case in Crime No.237 of 2014 to the jurisdiction of the Madurai Bench of this Court. The learned counsel for the petitioner submitted that the *defacto* complainant has engineered this case against him.



5. Taking into consideration the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police twice a day at 10:30 a.m., in the morning and 06:30 p.m., in the evening for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
12/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,ERANIEL.

2.DO THRO THE CHEIF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCOIL.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

4.THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.1661

ORDER
IN
CRL OP(MD) No.23953 of 2014
Date :12/01/2015

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